

PREFACE

P.1.1 What Is This Document?

This document is a Revised Final Program Environmental Impact Report (EIR) for the Bay Area to Central Valley High-Speed Train (HST). The Revised Final Program EIR document was prepared to comply with the final judgment in the *Town of Atherton* litigation on the 2008 Bay Area to Central Valley High-Speed Train (HST) Final Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS). In that litigation, the Superior Court found that the May 2008 Final Program EIR certified by the California High Speed Rail Authority (Authority) did not fully comply with the California Environmental Quality Act (CEQA), and identified the following issues requiring additional work:

- **ADEQUACY OF PROJECT DESCRIPTION:** “The Court concludes that the description of the alignment of HSR tracks between San Jose and Gilroy was inadequate even for a programmatic EIR. The lack of specificity in turn results in an inadequate discussion of the impacts of the Pacheco alignment on surrounding businesses and residences which may be displaced, construction impacts on the Monterey Highway, and impacts on Union Pacific’s use of its right-of-way and spurs and consequently its freight operations.” (Ruling, p. 6.)
- **RECIRCULATION AFTER UNION PACIFIC RAILROAD ANNOUNCED ITS UNWILLINGNESS TO ALLOW USE OF ITS RIGHT-OF-WAY:** “[T]his Court concludes that various drawings, maps and photographs within the administrative record strongly indicate that [the Pacheco alignment is dependent upon the use of Union Pacific’s right-of-way.] The record further indicates that if the Union Pacific right-of-way is not available, there may not be sufficient space for the right-of-way needed for the HST without either impacting the Monterey Highway or without the takings of additional amounts of residential and commercial property. These are significant impacts which were sufficient to trigger recirculation of the FPEIR.” (Ruling, pp. 19-20.)
- **LAND USE IMPACTS ALONG SAN FRANCISCO PENINSULA:** “As discussed elsewhere in this Court’s ruling, Union Pacific has stated it is unwilling to allow its right-of-way to be used for the project. The need for the taking of additional property is a related issue that will be required to be analyzed in connection with further analysis of the impact of Union Pacific’s denial of use of its right-of-way.” (Ruling, pp. 15-16.)

The Court also held the Authority’s CEQA finding on vibration impacts was not supported by substantial evidence. (Ruling, p. 14.)

To comply with the court judgment, the Authority rescinded its certification of the May 2008 Final Program EIR and recirculated revised portions of the prior Program EIR in a document called Bay Area to Central Valley Revised Draft Program EIR Material (Revised Draft Program EIR) for 45 days. By the close of the 45-day public comment period, the Authority received more than 500 written letters and verbal statements at public hearings, totaling more than 3,750 individual comments.

This Revised Final Program EIR is a multi-volume document that includes the text of the Revised Draft Program EIR, with some textual modifications in response to comments; comments on the Revised Draft Program EIR; a list of persons, organizations and agencies commenting on the Revised Draft Program EIR; responses to the significant environmental points raised in the comments on the Revised Draft Program EIR; and the full text of the 2008 Final Program EIR, including volumes 1 and 2 (text and appendices) and volume 3 (responses to comments).

P.1.1 How Do I Use This Document?

The Revised Final Program EIR includes two distinct stages of the Authority's program EIR process for the Bay Area to Central Valley study area: (1) two volumes consist of the 2010 revised and recirculated portions of the May 2008 Final Program EIR and comments and responses thereupon; and (2) three volumes comprising the May 2008 Final Program EIR. The following identifies the components of each part of the Revised Final Program EIR.

REVISED FINAL PROGRAM EIR, VOLUME 1

Volume 1 of the Revised Final Program EIR is organized into ten (10) chapters that collectively address the issues identified by the Superior Court in the *Town of Atherton* litigation.

Chapter 1, Introduction and Summary: Describes the basis for recirculating portions of the May 2008 Final Program EIR; summarizes the revised material being recirculated; identifies the public comment period for the revised and recirculated material, the notices provided to the public, and how many comments were received; describes how the Revised Final Program EIR will be used by the Authority; describes the relationship of the program EIR to second-tier, project-level EIR work in progress.

Chapter 2, Revised Project Description and Revised Impact Analyses: San Jose to Gilroy: Provides a corrected project description for San Jose to Gilroy and a revised impacts analysis related to surrounding businesses and residences that may be displaced, construction impacts on Monterey Highway, impacts on black walnut trees along Monterey Highway, and a clarification on visual impacts.

Chapter 3, Union Pacific Railroad's Statements Refusing to Allow Use of its Rights-of-Way and the Potential for Needing Additional Property for the HST Alignment Alternatives: Addresses Union Pacific Railroad's (UPRR's) statements regarding its unwillingness to share its rights-of-way with HST tracks or facilities and how this position affects the prior EIR analysis of land use and property impacts for each alignment alternative.

Chapter 4, Impacts to Union Pacific Railroad Freight Operations: Discusses affect of HST proximity to UPRR freight operations and potential for secondary impacts.

Chapter 5, Costs and Operations: Provides corrections to cost and operations information to reflect the revised information in Chapter 2 for San Jose to Gilroy and in Chapter 3 for San Francisco to San Jose.

Chapter 6, High-Speed Train Network and Alignment Alternative Comparison: San Jose to Gilroy: Includes necessary changes to the summary tables in Chapter 7 of the May 2008 Final Program EIR to reflect corrected information and analysis in Chapter 2 for San Jose to Gilroy and in Chapter 3 for San Francisco to San Jose.

Chapter 7, Revised Draft Program EIR Material and Designation of a Preferred Network Alternative For Connecting the Bay Area to the Central Valley: Includes a synthesis of the information in Chapters 2-6 and concludes that the new and revised information does not change the commendation of the Pacheco Pass Network Alternative serving San Francisco via San Jose as the Preferred Network Alternative.

Chapter 8, Unavoidable Adverse Environmental Impacts, San Jose to Gilroy: Discusses how revised materials affect the identification of unavoidable adverse impacts in this area.

Chapter 9, List of Preparers identifies the authors of the Revised Final Program EIR.

Chapter 10, Sources Used in Document Preparation identifies primary sources of information used in preparation of the Revised Draft Program EIR.

REVISED FINAL PROGRAM EIR, VOLUME 2

Volume 2 of the Revised Final Program EIR includes copies of all written comments received during the public review period for the Revised Draft Program EIR (March 11, 2010 to April 26, 2010) and transcripts of all verbal comments received during 2 public hearings in San Jose on April 7, 2010. Each comment is assigned a unique comment number. Following each comment, whether a written letter, EIR comment card, e-mail, or transcript of a verbal comment, a response is provided, referenced by comment number. Where appropriate, the response indicates where to find more information on the topic in a standard response and/or in the Final Revised Program EIR.

2008 FINAL PROGRAM EIR

The Revised Final Program EIR also includes the three volumes of the 2008 Final Program EIR.

The 2008 Final Program EIR Volume 1 includes a summary and the entire text of: the project purpose and need and objectives (ch. 1); a description of the alternatives (ch. 2); the environmental setting, impacts analysis, and discussion of mitigation strategies (ch. 3); project costs and operations (ch. 4); economic growth and growth-related impacts (ch. 5); HST station area development (ch. 6); a comparison of the HST network and alignment alternatives (ch. 7); identification of the preferred alternative (ch. 8); unavoidable adverse impacts (ch. 9); public and agency involvement (ch. 10); outreach (ch. 11); list of preparers (ch. 12); distribution (ch. 13); sources used in document preparation (ch. 14); a glossary (ch. 15); index (ch. 16), and acronyms (ch. 17).

The 2008 Final Program EIR Volume 2 includes all appendices.

The 2008 Final Program EIR Volume 3 includes all comments received on the July 2007 Draft Program EIR and responses to those comments.

P.1.2 What Has Changed Since the Revised Draft Program EIR?

The following updates, additions, and revisions have been made since the Revised Draft Program EIR was circulated in March and April 2010 and have been included in this Revised Final Program EIR, Volume 1.

Change	Location
Updated text to refer to Revised Final Program EIR	• All chapters
Updated text regarding the public comment process on the Revised Draft Program EIR and preparation of Revised Final Program EIR.	• Chapter 1
Added reference to San Martin	• Chapter 2, section 2.2
Added text to discussion of revised traffic analysis, San Jose to Gilroy	• Chapter 2, section 2.3
Revised text discussing mitigation strategies related to UPRR freight operations	• Chapter 4, section 4.1.4
Clarified proximity of potential Gilroy station to Santa Cruz County	• Chapter 6
Updated discussion of preferred alternative to incorporate comments received during public comment period for Revised Draft Program EIR	• Chapter 7
Added sentence on UPRR Intercity Passenger Service Rights	• Chapter 3, section 3.2.2

P.1.3 What Happens Next?

At the completion of this revised program environmental review process, the Authority will consider whether to certify the Revised Final Program EIR. If the Authority certifies the Revised Final Program EIR as complying with CEQA, it will then consider whether to take the following actions:

- Select a network alternative, alignment alternatives, and station location options for further study in second-tier, project-level EIRs; and
- Adopt CEQA findings of fact; and mitigation monitoring and reporting program. This may include a statement of overriding considerations.

Assuming the Authority decides to go forward with development of the HST system in the Bay Area to Central Valley study area, the Authority would focus future project analysis on the network alternative, alignment alternatives, and station options selected through this program environmental review process. Site-specific location and design alternatives for the alignment and station options selected at the program-level, including impact avoidance and minimization alternatives and strategies, would be further investigated and considered during second-tier, project-level environmental review.